

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 NEAE-00 CIAE-00 DODE-00 PM-05 H-01
INR-07 L-03 NSAE-00 PA-01 PRS-01 SP-02 SS-15
NSCE-00 SSO-00 USIE-00 INRE-00 DHA-02 TRSE-00
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-----101332 191519Z /45

O 191357Z AUG 77
FM AMEMBASSY TUNIS
TO SECSTATE WASHDC IMMEDIATE 7942

C O N F I D E N T I A L SECTION 1 OF 2 TUNIS 5924

E.O. 11652: GDS
TAGS: PINT, PINS, SHUM, TS
SUBJ: THE BEN SALAHIST TRIAL

REF: A. STATE 197021, B. TUNIS 5801

1. EMBASSY IS IN PROCESS OF PREPARING FULLEST POSSIBLE ANALYSIS OF INFO CONTAINED PENULTIMATE PARA TUNIS REFTEL CONCERNING INVESTIGATION OF ALLEGED TORTURE CHARGES BY "TUNISIAN LEAGUE FOR THE RIGHTS OF MAN". AS DEPARTMENT WILL APPRECIATE, ASSESSMENT OF VALIDITY OF TORTURE CHARGES ANYWHERE IS EXTREMELY DIFFICULT, AND THIS IS PARTICULARLY TRUE IN TUNISIA WHERE TORTURE CHARGES HAVE NOT BEEN A MAJOR ISSUE UP UNTIL NOW. WE HAVE ALSO BEEN HAMPERED BY THE FACT THAT MANY OF OUR BEST JOURNALISTIC AND OTHER CONTACTS ARE ABSENT DURING TRADITIONAL AUGUST VACATION.

2. HOWEVER, WE HAVE HAD LENGTHY CONVERSATION WITH ONE OF DEFENSE LAWYERS FOR ACCUSED BEN SALAHISTS, TAOUFIK BOUDERBALA. HE STATED THAT NEARLY ALL THE DEFENDANTS SAY THEY HAVE BEEN SUBJECT TO "SOME ABUSE", WHICH HE DEFINED AS PSYCHOLOGICAL STRESS AND "LIGHT BEATINGS". BOUDERBALA ALSO SAID SOME OF DEFENDANTS SAY

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THAT THEY WERE SUBJECT TO "SERIOUS TORTURE" AND THAT IN CASE OF ONE DEFENDANT, MOHAMED BELHAJ AMOR, HIS PERSONAL PHYSICIAN HAS CERTIFIED THAT HIS PATIENT SHOWED SIGNS OF HAVING BEEN SUBJECTED TO TORTURE. BOUDERBALA FURTHER STATED THAT SOME DEFENDANTS HAVE INFORMED PRESIDING JUDGE OF STATE SECURITY COURT THAT THEY HAVE BEEN TORTURED. AS RESULT OF THESE

CHARTES, LEAGUE FOR THE RIGHTS OF MAN HAS CONDUCTED AN INVESTIGATION OF THE SALAHIST TRIAL AND WILL SUBMIT A REPORT TO THE PRESIDING JUDGE AT THE END OF THE TRIAL. ACCORDING TO BOUDERBALA, AT THAT TIME ONE OF THE DEFENSE LAWYERS WILL APPEAL TO PRESIDENT BOURGUIBA IN THE NAME OF ALL THE DEFENSE LAWYERS CALLING FOR AN INVESTIGATION OF CHARGES OF TORTURE. (FULL MEMCON OF THIS CONVERSATION HAS BEEN POUCHED TO THE DEPARTMENT.)

3. IN REGARD TO REPORT BY TUNISIAN LEAGUE FOR THE RIGHTS OF MAN, WE HAVE OBTAINED FROM TUNISIAN JOURNALIST, ZOUHAYR BELHASSAN, A COPY OF WHAT PURPORTS TO BE LEAGUE REPORT. SHE DID NOT IDENTIFY THE SOURCE OF THE DOCUMENT OR WHETHER IT HAS BEEN FILED WITH THE COURT OR OTHER USE MADE OF IT.

4. DOCUMENT DESCRIBES LEAGUE'S EFFORTS TO INVESTIGATE ALLEGATIONS OF POLICE TORTURE OF ACCUSED IN BEN SALAHISTS' TRIAL. CONCLUSION OF REPORT IS THAT IT HAS NOT BEEN POSSIBLE EITHER TO CONFIRM OR DENY CHARGES THAT TORTURE WAS EMPLOYED BY THE POLICE. IT STATES, HOWEVER, THAT ATTITUDE OF PUBLIC OFFICIALS TOWARDS THE LEAGUE'S INVESTIGATION LEAVES ROOM FOR LEGITIMATE SUSPICION. REPORT LISTS TORTURE ALLIGATIONS MADE BY ACCUSED AND NOTES STATEMENT MADE BY CHIEF PHYSICIAN OF MINISTRY OF INTERIOR DIRECTORATE OF CONFIDENTIAL

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CORRECTION THAT DURING EXERCISE OF HIS RESPONSIBILITY HE NEVER OBSERVED SIGNS OF MISTREATMENT OR TORTURE. DESPITE THIS DENIAL, REPORT STATES THAT IT CANNOT INVALIDATE CHARGES OF TORTURE IN VIEW OF "REFUSALS AND SILENCES WITH WHICH IT WAS CONFRONTED". (FULL TEXT OF REPORT IN FRENCH AND ENGLISH TRANSLATION POUCHED TO DEPARTMENT UNDER COVER OF A-112.)

5. PRESS THIS MORNING ANNOUNCES, SOMEWHAT UNEXPECTEDLY THAT COURT WILL RENDER ITS VERDICT TODAY, AUGUST 19. ON BASIS OF PAST PRESS REPORTS, HOWEVER, THIS MAY NOT IN FACT HAPPEN. IN ANY CASE, WE SHOULD KNOW SHORTLY WHETHER LEAGUE REPORT HAS BEEN FILED WITH PRESIDING JUDGE. ONE OF DEFENSE LAWYERS TOLD THE COURT THAT DESPITE GOVERNMENT DENIALS, HIS CLIENT STATES THAT HE HAS BEEN TORTURED. LAWYER'S STATEMENT TO PRESIDING JUDGE HAS BEEN CARRIED IN TUNISIAN PRESS. PAPERS HAVE ALSO REPORTED SIMILAR CLAIMS BEING MADE IN CLURT BY SEVERAL DEFENDANTS PERSONALLY.

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FM AMEMBASSY TUNIS

TO SECSTATE WASHDC IMMEDIATE 7943

C O N F I D E N T I A L SECTION 2 OF 2 TUNIS 5924

6. STATEMENT TO US BY DEFENSE LAWYER BOUDERBALA IS FIRST DIRECT AND UNEQUIVOCAL ALLEGATION MADE TO US BY DEFENSE COUNSEL THAT TORTURE HAS BEEN USED AGAINST THEIR CLIENTS. IF REPORT BY LEAGUE FOR THE RIGHTS OF MAN IS FILED WITH THE COURT, TUNISIAN ORGANIZATION RECOGNIZED BY GOT WILL HAVE MADE CHARGES A MATTER OF OFFICIAL AND PRESUMABLY PUBLIC RECORD, WITHOUT HOWEVER CONFIRMING OR DENYING THEM. ALTHOUGH MANY MEMBERS OF LEAGUE FOR THE RIGHTS OF MAN ARE ALSO MEMBERS OF COUNCIL ON PUBLIC LIBERTIES, LEAGUE EXECUTIVE BOARD ALSO HAS MEMBERS WHO WERE IN EFFECT PROPOSED BY GOVERNMENT AND WHO THEREFORE PRESUMABLY REPRESENT THE GOT'S POINT OF VIEW IN LEAGUE BUSINESS. LEAGUE IS RECOGNIZED AS LEGITIMATE ORGANIZATION BY GOVERNMENT WHEREAS GOVERNMENT CLAIMS COUNCIL ON PUBLIC LIBERTIES IS IN FACT GROUP OF POLITICAL OPPOSITIONISTS. TWO GROUPS SHOULD NOT BE CONFUSED.

7. EMBASSY IS MAKING CONCERTED EFFORT IN VIEW OF SPECIFICITY OF BOUDERBALA CHARGES AND OF ALLEGATIONS RECORDED IN LEAGUE REPORT TO DEVELOP AS MUCH INFORMATION AS POSSIBLE ON VALIDITY OF TORTURE CHARGES. WE WILL REPORT FURTHER AS SOON AS WE HAVE ANY WORTHWHILE INFORMATION.

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8. IN VIEW OF RECOGNIZED STANDING OF TUNISIAN LEAGUE FOR THE RIGHTS OF MAN, REPORT LIKELY TO ENJOY CONSIDERABLE CREDIBILITY BOTH LOCALLY AND EXTERNALLY ASSUMING THAT: IT IS FILED IN FORM WE HAVE SEEN; BECOMES PUBLIC KNOWLEDGE;

AND TUNISIAN GOVERNMENT DOES NOT AKE STEPS TO REFUTE CHARGES.
AMOUNT AND KIND OF PUBLICITY CHARGES RECEIVE WILL ALSO DEPEND
ON WHAT KIND OF VERDICT COURT HANDS DOWN.
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